

How Does the MCAD Process Work?

A charge of discrimination must be filed in person at the Massachusetts Commission Against Discrimination (MCAD) offices. If you believe you have been discriminated against, you should come to the MCAD immediately to file a complaint. In all but a few exceptions, the MCAD cannot accept complaints based on incidents over 300 days old.

Filing a Complaint



A person wishing to file a complaint with the MCAD is known as the "Complainant." Upon arriving at the MCAD, you (the complainant), are interviewed by an Intake staff person. This is a private consultation.

The Intake Office

Once an initial determination has been made that the MCAD has jurisdiction over a particular case, you meet with an Investigator to "tell your story." The Investigator uses the facts gathered from this discussion to draft a formal, written complaint. A copy of the complaint is sent to the person or organization, known as the "Respondent," against whom the complaint has been filed.

Investigation

The MCAD first obtains a statement from the Respondent which outlines their position regarding the complaint. Shortly thereafter, a meeting is usually held at the MCAD that brings together the Complainant and the Respondent. The purpose of the meeting is to gather information surrounding the complaint and to discuss the possibility of a voluntary resolution of the complaint. If a Resolution is not reached, the Investigator

will continue to gather information by interviewing witnesses, obtaining documents, making visits to the place of employment, apartment or other appropriate on-site visits.

Determination

At the conclusion of an investigation, the Investigating Commissioner will make a formal determination of either Probable Cause or Lack of Probable Cause.

- **Probable Cause (PC)** – means that the MCAD has found sufficient evidence to support a conclusion that unlawful discrimination may have occurred. The case then proceeds to the next step in the process.

If Probable Cause is found, efforts at resolution between the Complainant and the Respondent are attempted. If the parties are unable to resolve the dispute, the case goes to Public Hearing.

- **Lack of Probable Cause (LOPC)** – means that the MCAD did not find sufficient evidence to support a conclusion that unlawful discrimination occurred. A Complainant has a right to appeal a determination of Lack of Probable Cause within 10 days of receiving the decision. The Investigating Commissioner holds an informal hearing and the Complainant has an opportunity to explain why he/she believes the determination was wrong.



The Commissioner may uphold the determination, send the case back for further investigation, or reverse the finding (make a PC determination). If the determination of LOPC is sustained, the case is closed and goes no further at the MCAD.

Public Hearings

A Public Hearing is a formal proceeding at which witnesses testify under oath before one of three MCAD Commissioners. The Commissioner serves as the judge and reviews testimony and documents submitted at the Hearing. Complainants and Respondents can hire an attorney to represent them at the Hearing. When the Complainant does not have an attorney, a MCAD lawyer will prosecute a case on behalf of the Commission.



Decisions

The Commissioner reviews legal briefs submitted at the end of the Public Hearing and issues a decision either in favor of the Complainant or the Respondent. If the MCAD finds in favor of the Respondent, the case is dismissed. If the decision is in favor of the Complainant, the MCAD may order any one of a number of remedies. In employment cases this may include awards of back pay and emotional distress damages or in housing cases this may include monetary damages reflecting housing expenses incurred and emotional distress damages. In both employment and housing cases the MCAD has the authority to assess reasonable attorney fees and costs.

Malcolm S. Medley
Chairman

MCAD's

Most Frequently Asked Questions

1. Where are you located? The John McCormack Building, One Ashburton Place, Room 601, Boston, MA 02108.

2. Where is One Ashburton?

One Ashburton Place runs parallel to Beacon Street, between Bowdoin and Somerset Streets. As you face the State House, Bowdoin Street is on your right.

3. How do I get there?

By public transportation, take the **T** to Park Street Station. Or, take Bus #'s 43 or 55. Both stop in front of the State House on Beacon.

By car: From the West or the South ---find your way to Beacon Street, take the first left after the State House onto Bowdoin Street. **From the East or North** --- find your way to Cambridge Street (Massachusetts General Hospital or Boston City Hall) and turn onto Bowdoin Street.

4. What are your hours?

The MCAD office is open from 8:45 a.m.–5:00 p.m., Monday through Friday. Complaints are taken Monday–Friday, 8:45 a.m. – 4:00 p.m.

5. What should I bring with me?

You should bring with you any relevant names, addresses, or telephone numbers; witnesses' names; and any other paperwork that will help investigate and establish your allegation of unlawful discrimination. You should also be able to give the date the alleged discrimination occurred. **For an employment case:** You should have your employer's name, address, the approximate number of employees and the name of the parent company, if applicable. **For a housing case:** Supply the landlord's or property manager's name, the real estate company's name, or the real estate agent's name, if appropriate. **For public accommodations:** Bring the name of the owner or manager of the establishment.

6. Are there Federal agencies that protect my rights in employment and housing?

The Equal Employment Opportunity Commission (EEOC), which can be reached at 617-565-3200 and the U.S. Department of Housing and Urban Development (HUD) at 617-565-5320.

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Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Room 601
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617-994-6000 Fax: 617-994-6024
MCAD Springfield: 413-739-2145
www.state.ma.us/MCAD



Know The Facts: *A Practical Guide to the Complaint Process at the MCAD*

Malcolm S. Medley, Chairman

Martin S. Ebel, Commissioner

Sunila Thomas-George, Commissioner